

FILED
Clerk
District Court

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MAP 27 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

5 Attorney for Defendant Babauta
6

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE**
9 **NORTHERN MARIANA ISLAND**

10 UNITED STATES OF AMERICA

) **CRIMINAL CASE NO. 04-0009**

)

11 Plaintiff/Appellee

) **DECLARATION OF COUNSEL**

) **SUPPORTING MOTION FOR**

) **ORDER TO SET HEARING**

) **DATE TO SET TERMS AND**

) **CONDITIONS FOR RELEASE**

14 PEDRO Q. BABAUTA

)

15 Defendant/Appellant

)

)

17 I, G. Anthony Long hereby declare as follows:

19 1. I am the attorney for Pedro Babauta.

20 2. On March 6, 2006 the Ninth Circuit issued an order for Babauta's release pending appeal.

21 3. During a March 23, 2006 chamber conference with the Court and Assistant Attorney

22 General Timothy E. Moran, Esq., in another case, the matter of a hearing date for Babauta was

23 discussed and the issue of the necessity for a mandate arose.

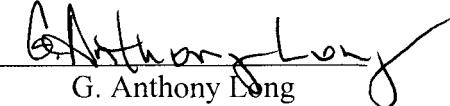
24 4. On Friday March 24, 2006 I telephoned the Ninth Circuit Criminal Appeals division
25 concerning a mandate. I was informed that a mandate will not be issued and the Court's order to

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1 set terms and conditions is sufficient for a release hearing.

2 5. On the afternoon of Friday, March 24, 2006, I informed Assistant U.S. Attorney Moran of
3 my conversation with the Ninth Circuit. Mr. Moran advised that he wold not oppose an exparte
4 motion to set a hearing date for the court to set terms and conditions for Babauta's release.

5
6
7 I, hereby declare under penalty of perjury; pursuant to the laws of the United States of
8 America, that the above is true and correct and execute this declaration on Saipan on this 27th
9 day of March, 2006.

10
11 
12 G. Anthony Long